MINUTES

Upper Colorado TMDL
Public Meeting

Runnels County Courthouse, Ballinger
Tuesday, Sept. 10, 2002, 7 – 9 pm

Agenda

7:05 Welcome (Honorable Marilyn Egan, Runnels County Judge)

7:10 Introduction (Linda Fernandez, Fernandez Group, Inc.)

- project team introduction
- overview of agenda, structure for session, goals

7:15 Water Quality in Segment 1426 (Bill Rue, EA Engineering)

- monitoring information
- data
- issues
- potential sources

7:25 Q&A

Does the project consider the ongoing drought?
Because lack of rainfall is definitely part of the problem in Segment 1426, sampling will include both low flow and wet weather monitoring.

Is the goal to meet that load limit 365 days a year, or is it an average?
The overall goal is compliance in all places at all times, but such expectations are rarely met. The real point of the TMDL is to protect the intended uses of the river, and in some cases re-evaluating the established standards. Also, these standards are to be met as annual average concentrations per TCEQ regulations.

How is E.V. Spence Reservoir factored in? Don't most of the impairments in Segment 1426 come directly from the reservoir?
All upstream sources and tributaries are included in the TMDL model. The flow/concentration relationship and seasonal issues make this quite complicated.

How long has monitoring been going on in Segment 1426?
For this project, EA Engineering has gathered data from the 1970s though 2001 from a variety of sources. New data will be gathered by EA in 2002-2003.

Do the long-term data identify sources of chloride so that they can be remedied?
This will happen as the TMDL progresses.

The CRMWD has monitored for 10 years and has a great volume of data on water quality but lacks sufficient data on runoff because of the ongoing drought. How will EA Engineering be able to compile such data? And without such data, will the project be a waste of money?

All the various monitoring agencies will be involved so that when runoff events happen, the sampling data will make it into the TMDL project data. As with any project, there will be some data gaps. One point of the public participation process is to minimize the likelihood of gaps.

7:35 TMDL Process (Bill)

- regulatory status of Segment 1426
- Phase 1: monitoring & evaluation
- Phase 2: allocations & plan implementation

7:50 Q&A

Please clarify the TMDL step described in the presentation as "confirm compliance." Is this project likely to require Runnels County to spend money? And how is "implementation" paid for?
Although the phrase refers to the river meeting both state and federal regulations, the TMDL would be implemented locally. Confirming compliance is the endpoint of a long process with the goal of realistic and desirable solutions that can be implemented practically and economically for all involved. Furthermore, additional monitoring undertaken as part of the TMDL could show that the Texas Railroad Commission's well-plugging projects in the area have helped improve water quality.

Could a great volume of rainfall in the near future solve the segment's compliance issues and end this project?
That scenario is possible, though unlikely.

What is the relationship between the TCEQ and the contractors on this TMDL (EA Engineering and Fernandez Group, Inc.) and what's the source of the money for the project?
The TCEQ has contracted out the project through a bidding process. The majority of the funding for TMDL projects in Texas comes from annual federal grants.

Wouldn't the money be better spent on controlling brush to increase flows?
This is an issue to be discussed in the TMDL. Brush control has been successfully used to increase flows in certain watersheds. In the past former Texas State Representative Rob Junnell was able to direct state funds to these types of projects.

The low-flow issue may be related not only to drought but also to over-appropriation of the river. Under current law, there is a disincentive to conserve; water rights holders must pump or risk losing their water right.
Increased upstream flow may eventually be a final recommendation of this project.
Later clarification from TCEQ: It is possible to lose one's water right under current regulations, but only when that right is not exercised for ten consecutive years.

What if the data eventually show that the impairments in Segment 1426 come from E.V. Spence Reservoir?
The TMDL for E.V. Spence is awaiting approval from the EPA. The effects of the implementation plan will not be seen for several years, but needs to be addressed in the TMDL for Segment 1426.

In response to a question about how water is pumped from E.V. Spence, CRMWD General Manager John Grant said that the drought has not allowed for continuous flow through Spence dam. Water is released at regular intervals to comply with federal regulations to protect an endangered species of snake. Although these releases do contribute more solids to the segment downstream, the effect is minimal. The high concentration of chloride, sulfate, and total dissolved solids is a natural feature of the region, extending up into the headwaters of the Colorado River. Mr. Grant stated that since 1992,

the Upper Colorado has seen concentrations of chlorides that have made the river even saltier than seawater. Conversely, during a period of heavy rain in 1997, the concentrations were dramatically lower.

Bill Rue added that the nature of segment-specific standards may allow some leeway in this project. There are some very wide ranges in the standards for different segments of the CR alone.

8:00 Public Participation (Linda)

- purpose
- Stakeholder Advisory Group: requirements & responsibilities
- planning session results:
  - stakeholder categories/technical resources identified
  - SAG options

8:15 Discussion

The consensus at the public meeting was to establish a Stakeholder Advisory Group (SAG) comprised of representatives from local communities in the watershed and a Technical Advisory Group (TAG) of support agencies and organizations, including the Texas Alliance of Energy Producers and Texas Independent Producers & Royalty Owners (TIPRO)

Participants agreed on the following composition for the SAG:

- Farming & ranching (2 representatives each from Runnels and Coke counties)
- Oil, gas & mining (2 representatives)
- Industry (2 representatives)
- Local government/municipalities (2 representatives each from Runnels and Coke counties)
- Public interest (2 to 4 representatives)
- River authorities/entities (1 representative each from the Upper Colorado River Authority, the Lower Colorado River Authority, and the Colorado River Municipal Water District)

8:35 Formation of Stakeholder Advisory Group (Linda)

The attached list includes SAG nominees from the meeting and from subsequent follow-up calls.

8:50 Closing Remarks (Kerry Niemann, TCEQ)

Attachments: presentation slides
attendee list
proposed Stakeholders Advisory Group

Proposed Stakeholders Advisory Group
Upper Colorado/segment 1426 TMDL

Farming & ranching (2 each from Coke and Runnels counties)

Bud Johnson, rancher, Coke County
Mike Arrot, Coke County SWCD
CJ Robinson, Jr., Runnels County SWCD
Dennis McBeth, Runnels County SWCD

Oil, gas & mining (2)

Allen Belk, private oil interest in Coke County
Allen Frizzell, oil producer, Runnels County

Industry (2)

Jim Studer, owner of Buddy's Plants Plus, Ballinger
Bryan Davenport, Mueller's Supply Co., Ballinger

Local government/municipalities (2 each from Coke and Runnels counties)

Charles Sonnenberg, Bronte City Council Member
Roy Blair, Coke County Judge
Skipper Wheeless, Runnels County Commissioner
Tommy New, City of Ballinger

Public interest (2)

Cyndi "Terri" McConnell, Runnels County property owner
Scott King, Elm Creek Water Control District

River authorities/entities (3)

Chuck Brown, UCRA
Alicia Reinmund, LCRA
Okla Thornton, Jr., UCRMWD

Technical Advisory Group
Proposed Agencies & Contacts

TCEQ (Kerry Niemann)
Texas State Soil & Water Conservation Board (Donna Long)
Texas Railroad Commission (Randall Ross)
Texas Alliance of Energy Producers
Texas Independent Producers & Royalty Owners (Scott Anderson)
US Department of Agriculture—Natural Resource Conservation Service (Ronnie Vanicek)
Texas A&M Cooperative Extension (Rick Minzenmayer)
Coke County Underground Water Conservation District (Winton Milliff)
Texas Department of Agriculture
Texas Parks & Wildlife Department